

# Violet Township Board of Trustees

July 19, 2017

## Public Hearing

### Case Number 04-ZC-2016

### Estates at Lake Forest Planned Residential District Rezoning

**Mr. Dunlap made a motion to recess the regular meeting and open the scheduled Public Hearing scheduled for 8:00 p.m. for Case Number 04-ZC-2016 application for re-zoning Estates of Lake Forest Planned Residential PD. Seconded by Mr. Myers. Roll call vote: Mr. Dunlap, yes; Mr. Myers, yes; Mr. Monhollen, yes, Motion carries 3-0.**

Also present were: Kelly Sarko, Zoning Inspector and Jennifer Huber, Township Legal Counsel

**Case Number 04-ZC-2016:** An application filed by Harmony Development Group, 3650 Olentangy River Road, Suite 401, Columbus, Ohio to rezone property owned by Sharon Buccilla, 12646 Milnor Road and Steven and Judith Anderson, 12680 Milnor Road, Pickerington. This application proposes to amend the Violet Township Zoning Resolution by amending the Violet Township Zoning Map to rezone 27.690 acres located on the east side of Milnor Road, north of Refugee Road and South of Blacklick Eastern Road, from the R-2, Single Family Residential District to the PD, Planned Residential District in order to accommodate a 55-lot single family subdivision.

Ms. Sarko reported this property is located on the east side of Milnor Road and the land is owned by Sharon Bucilla and Mr. and Mrs. Anderson. The Anderson property is currently used for agricultural purposes and the Bucilla property contains a home and barns. The main entrance to the subdivision will be through the Lake Forest Subdivision in the City of Pickerington. The applicants indicate the subdivision will be built in two phases. The first along the southern boundary which is adjacent to the City of Pickerington and heading north. Street right-of-ways are 50'. Stub connectors are provided to the north to Chesapeake Planned District and east to Hickory Lakes to provide future connectivity. Next to the stub to Hickory Lakes there is a Reserve which is to allow movement and relocation for a street from Hickory Lakes.

Mrs. Bucilla's existing driveway will be used as emergency access drive. Water and sanitary sewer service for the subdivision will be extended north from Rapella Lane in the Lake Forest subdivision in the City of Pickerington. The Development text states that with regards to storm water, drainage flows from the north, to the east and to the west. There will be a detention basin in the central park and it will pick up water flowing through and from the development,

Street lights will be provided by the developer and the cost of electricity will be paid by the HOA.

Mrs. Bucilla's home will be part of a lot and her home will remain.

The gross density for the subdivision is 1.98 units per acre and net density is 2.30 units per acre.

Regarding open space; there are four different reserves of various sizes. The biggest is Central Park which contains 2.46 acres. It will have a retention pond and a multi-use path.

The Violet Township Zoning Resolution requires 15% of the total acreage be provided as open space for public use. A divergence is requested for open space.

A Tree Preservation Zone has been along the south and east boundaries of the development. Within this Preservation Zone, homeowners will be able to remove undergrowth and trees smaller than 4 inches in caliper.

The residential development within the subdivision is divided into two sections within the development text. Lots 1 through 54 are the new building lots and Lot 55 is Mrs.

Bucilla's home site. For the new lots, the minimum lot width measured at the building line will be 70 feet and the minimum lot depth is 130 feet. The minimum lot area is 9,100 square feet.

Setbacks are:

Front: 30 feet;

Rear: 30 feet for the home; covered decks and patios are permitted to be 20 feet from the rear property line.

Sides: 8 feet

Side yard adjacent to the side street is 3 feet.

The minimum home size for a ranch home is 1,800 square feet and for 2-story homes a minimum of 2,000 square feet.

Similar to other new subdivisions, exterior finish materials are to be brick, stone, stucco, cultured stone, wood and fiber siding, hardy plank and vinyl siding having a minimal thickness of 0.42 gauge or foam backed Crane Board. Exterior colors are neutral colors.

Divergences are being requested for development standards and lot sizes which do not comply with those in the adjacent district. Lot 55 is Mrs. Bucilla's lot and it has its own separate development standards. The Development Text allows the existing agricultural use on her property to continue until 35% of the subdivision is developed. That is in accordance with the ORC as it pertains to agriculture and with the Zoning Resolution..

Fences are prohibited except for fences that are required to enclose a swimming pool. They are not permitted in platted drainage and utility easement or platted no build zone retreat preservation zone. Above ground swimming pools are prohibited, accessory buildings are prohibited. Street trees are to be placed outside the right of way. Sidewalks are provided and the applicant is seeking a variance from RPC to allow the installation of 4-foot sidewalks and those will match the sidewalks in the Lake Forest subdivision in the City of Pickerington.

Model homes are permitted. The model home use would terminate when zoning permits have been issued for 90% of the lots. One model home sign per model home will be permitted. There will be a homeowners association. A sample set of deed restrictions were provided with the application and the deed restrictions will be provided for the Trustees review at the time of final plat

The applicant has requested four divergences.

1. The first requested divergence is from Violet Township Zoning Resolution Section 3V3-02(D)(1-5): to allow lots that are contiguous to previously developed properties not to conform to the minimum lot area, yard and setback standards of the zoning district applicable to that contiguous property. The applicant proposes to have lots that are smaller than those in the adjoining zoning district and which do not have the same setbacks as required in the adjoining zoning district.
2. A divergence from Section 3V3-02(D)(2) is requested to allow buildings in the PD District be situated closer than fifty feet (50') to contiguous property which is zoned R-1, R-2, R-7, whether or not developed or platted. The applicant is proposing a rear yard setback of 30 feet and 20 feet for uncovered patios and decks, and a side yard setback of not less than 8 feet.
3. A divergence from Section 3V3-02(C) to allow less than fifteen percent (15%) of the total gross acreage of the proposed development to be provided as open space for public use. The applicant has provided 3.02 acres or 10.89% Open Space for the proposed Development.
4. A divergence from Section 3V3-02(A), Intensity of Use. The applicant is requesting a net density of 2.30 units per acre which is greater than 2.0 units per acre permitted in the Planned Residential District. The gross density of the project is 1.98 units per acre.

The Land Use Plan and Transportation Plan designates this area as single family residential.

On May 16<sup>th</sup> the Zoning Commission recommended approval of the requested divergences and recommended approval of the application with modifications.

RPC considered this application during its December 6 meeting. They accepted staff recommendation of approval of the proposed rezoning. Staff's recommendation of the development appears to be in agreement with the Township and County future Land Use Plan recommendation. RPC staff recommends approval of the proposed development. Subdivision Regulations Committee also provided comments for the rezoning.

Karl Billisits, Harmony Development Group, 3650 Olentangy River Rd., Suite 401, Columbus, Ohio explained this is a project they have already begun within the jurisdiction of the City of Pickerington. Additional construction is happening to get the road stub to Sharon's property in the rear. He noted that within the Lake Forest Development in the City, they have the retreat which are condominiums as well as single family homes. They are essentially doing a continuation of what they started.

He said there is a connection to the street in on the Wymer property. There are some transitional things they will need to do in terms of County standards. They have been in discussions with Pickerington as far as access and continuation of the road. There are some development and construction standards that will vary.

The models in Lake Forest are up and open. The square footages have all exceeded what is in the text.

Mr. Myers mentioned there were a lot of divergences on this request. Mr. Billisits said they worked through a lot of details in terms of what they are trying to accomplish in the way our Zoning Code is set up. Some of the transitional zonings they have in terms of adjoining zonings; lot size wise, open space wise but if you take the open space and combine it with the open space in Lake Forest in the City they exceed the open space requirement. He said the ponds in the open space is a nice amenity for residents.

Mr. Dunlap asked if Sharon Bucilla will have access to the open space. Mr. Dunlap wanted to make sure that everyone living there would have access to the green space out front (Lake Forest). Mr. Billisits said this was correct. He also said there was a series of bike trail paths.

Mr. Myers asked if the comments Lt. Belcher made had been addressed regarding two means ingress and egress, details of such access. Mr. Myers asked if this had been provided. Mr. Billisits said the details of the access is the existing driveway that is there today. Mr. Myers asked if this was acceptable to the Fire Department. Mr. Billisits did he had not had that discussion with Lt. Belcher. Mr. Myers said this information needs to be provided before the Trustees could approve this. Mr. Billisits, referring to Chesapeake said there is one way in and one way out of that community with a boulevard access. Mr. Dunlap said that Wymers application was approved on the concept that it would connect to Sharon's and Sharon's would have two accesses; one for Wymer's and one from the Pickerington side.

Mr. Myers asked Mrs. Mattei if she remembered any specific recommendations from Regional Planning. Mrs. Mattei said she remembered it was contingent upon them having access to at least be constructed and the specific documentation for the emergency access was put back onto the Violet Township Fire Department. Mr. Billisits said they would do whatever it took to make things right with the Fire Department.

Mr. Dunlap said since they are building both he asked if they have a commitment with the City of Pickerington to make that connection, Mr. Billisits said he was meeting with them next Thursday to go over what proper application process is that they need to.

Mr. Myers asked when they (Chesapeake) were going to start building. Mr. Billisits wasn't sure but as he understood it was a 4 year process. Chief Little explained that with regards to Chesapeake, the agreement was as they move up (east) they have to continue to construct stub streets in order give the Fire Department an access for turnaround versus just a single way in. As it is built out it will finally connect to the Estates at Lake Forest. The present discussion is with regards to Sharon's driveway and whether or not the driveway can handle the traffic. What Lt. Belcher asked him was with this driveway to be built up to a standard that can handle heavy trucks so that if they

have to come in this way if it is not built up and they already building back there the second point of egress will be built up so they can get trucks back there. Mr. Dunlap asked if this would be emergency only. Chief Little said that was correct and it was the same thing they are going to do on Refugee Road in a year and a half. When they start tearing up Refugee Road they are going to build an emergency traffic lane for the Fire Department. They asked for whatever the ODOT mandate was for a temporary road.

Mr. Billisits said the next step for them in terms of this development would be what permit to use in terms of the connection and what permit to turn in.

Mr. Myers said in terms of temporary access he has personally stepped on Mrs. Bucillas driveway and he is more concerned about the extension to the east from her current driveway. If her current driveway would happen to be used for construction traffic it would not last very long. It has to have some kind of base under it. Mr. Billisits said it will.

Ms. Sarko referencing the Plan said the driveway for Mrs. Bucilla's property will remain in place. However, the purpose Reserve A is to allow the driveway from Mrs. Bucilla's property to the new street and that the cost of the construction and maintenance of the new drive in this Reserve will be the owner of Lot 55.

Sharon Bucilla asked about the opinion about street connections between the City and the Township. Mr. Eisel said it dealt primarily with the Springcreek area. Essentially the legal 'back and forth' was that neither could prevent each other from connecting. They couldn't mandate that the road be built up to but if the road was there you really couldn't prohibit it from being connected.

Mr. Butcher asked that the Board recognizes that while the entities are similar, consistent today; they may not be consistent tomorrow.

Mr. Butcher added that we are proponents and advocates in compliance with Subdivision Regulations. What we feel our best practice is connectivity between subdivisions and that is why we are seeking clarification on the position. This is not a Township scenario; it is the City of Pickerington position and it deviates from what our Regional Planning Commission has in the agreement.

Mr. Dunlap said once again our philosophy is connectivity.

**Mr. Dunlap made a motion to continue the Public Hearing to the next Trustee meeting of August 2, 2017 at 8:00 p.m. Mr. Myers seconded the motion. Roll call vote: Mr. Dunlap, yes; Mr. Myers, yes; Mr. Monhollen, yes. Motion carries 3-0.**

Respectfully Submitted,

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Brian Sauer, Fiscal Officer

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Joniann Goldberg, Administrative Assistant

Approved by:

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Terry J. Dunlap, Sr., Trustee

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Darrin Monhollen, Trustee

Date: \_\_\_\_\_

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Harry W. Myers, Jr., Trustee